

**Introduced by Senator Kuehl**

February 17, 2004

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An act to amend Sections 11165.3, 11165.5, and 11165.6 of the Penal Code, relating to child abuse reporting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1313, as introduced, Kuehl. Child abuse reporting.

Existing law, the Child Abuse and Neglect Reporting Act (CANRA), defines willful cruelty or unjustifiable punishment of a child for purposes of provisions that require specified persons to report to a specified agency whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect, as a situation in which any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered.

This bill would instead define the willful harming or injuring of a child or the endangering of the person or health of a child for the purposes of these provisions. This bill would make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 11165.3 of the Penal Code is amended to read:

11165.3. As used in this article, ~~“willful cruelty or unjustifiable punishment of a child”~~ *“the willful harming or injuring of a child or the endangering of the person or health of a child,”* means a situation ~~where in which~~ any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered.

SEC. 2. Section 11165.5 of the Penal Code is amended to read:

11165.5. As used in this article, the term “abuse or neglect in out-of-home care” includes physical injury inflicted upon a child by another person by other than accidental means, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, unlawful corporal punishment or injury as defined in Section 11165.4, or the willful ~~cruelty or unjustifiable punishment~~ *harming or injuring of a child or the endangering of the person or health* of a child, as defined in Section 11165.3, where the person responsible for the child’s welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency. “Abuse or neglect in out-of-home care” does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

SEC. 3. Section 11165.6 of the Penal Code is amended to read:

11165.6. As used in this article, the term “child abuse or neglect” includes physical injury inflicted by other than accidental means upon a child by another person, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, ~~the willful cruelty or unjustifiable punishment~~ *harming or injuring of a child or the endangering of the person or health of a child*, as defined in Section 11165.3, and unlawful corporal punishment or injury as defined in Section 11165.4. “Child abuse or neglect” does not

- 1 include a mutual affray between minors. “Child abuse or neglect”
- 2 does not include an injury caused by reasonable and necessary
- 3 force used by a peace officer acting within the course and scope of
- 4 his or her employment as a peace officer.

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